

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: July 19, 2013

Agenda Item #: 9C

Agenda Item Title: Winter Closure Planning Study Update

Presented by: Cory Pope

Background:

At the May Commission Meeting in Vernal, Utah, the Commission approved \$200,000 to study the potential benefits of providing winter maintenance on one or more of the state routes currently closed to automobiles during the winter. The funding for this study became available July 1st, and the Department is planning to initiate the study within the next month.

This item will update the Commission on the routes that are currently not maintained throughout the winter, and discuss the intent for the project to move forward.

Exhibits/Handouts: List of existing seasonal state routes

Audio/Visual: None

Commission Action Requested:

☒ For Information/Review Only
☐ For Commission Approval

Motion Needed for Approval: Information only/No approval requested

Fact sheet prepared by:

Fact sheet reviewed by senior leader: Cory Pope

Date submitted:

July 12, 2013

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: July 19, 2013

Agenda Item #: 10A – C

Agenda Item Title: Storm/Other Damage Reports

Presented by: Dave Schwartz, Teri Newell, Rex Harris

Background:

Updates will be giving regarding recent storm damage that occurred in Little Cottonwood Canyon and in American Fork Canyon, and a waterline break in Ogden Canyon.

Exhibits/Handouts: Pictures of each area affected

Audio/Visual:

Commission Action Requested:

☒ For Information/Review Only
☐ For Commission Approval

Motion Needed for Approval:

Little Cottonwood Canyon



Little Cottonwood Canyon Rockslide

4th of July Weekend

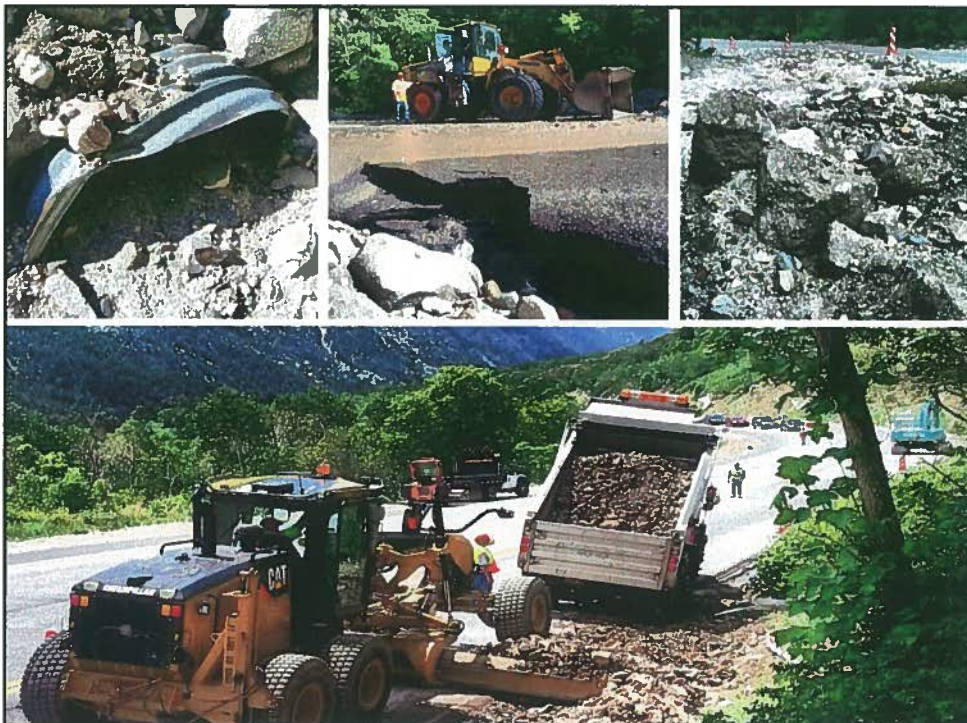
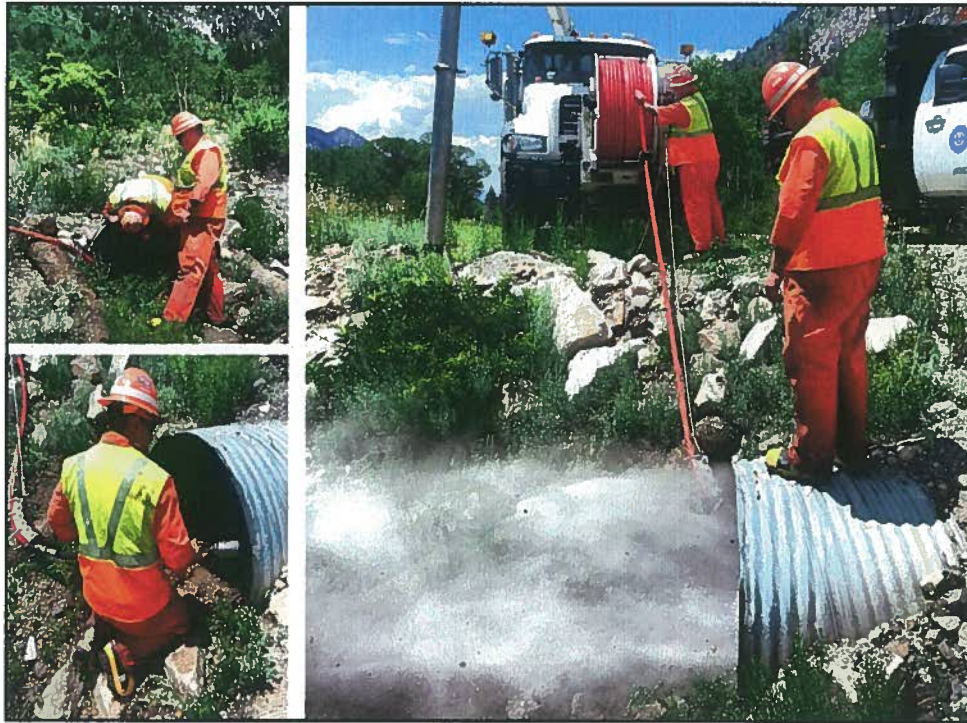


Rockslide Impacts

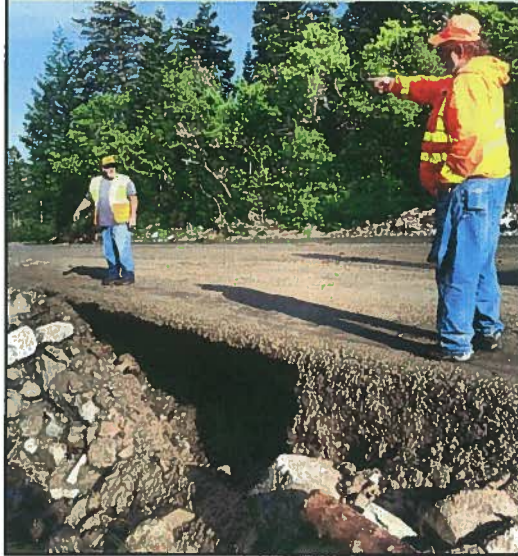
- Two Closures: July 5th 3am - 2pm
again at 11pm - 6am (July 6th)
- AADT: 5575 vehicles
- Town of Alta: 388 residents
- Snowbird:
 - Total Rooms: 1000
 - 850 Summer employees
 - 1700 Winter employees
- Several outdoor recreationalists







Tasks Currently Underway



- Rebuild gutters
- Resurface shoulders
- Reconstruct several roadway sections
- Clean out over 30 culverts
- Remove all debris off shoulders
- *Similar tasks needed along BCC*



Estimated Repair Costs

- Staffing needed: 12 employees working 10 hr. days for 3 weeks
- 200 Loads of Bank Run
- 160 Loads of Road Base
- 3 Days of Asphalt Work
- Total Costs: \$90,000.00





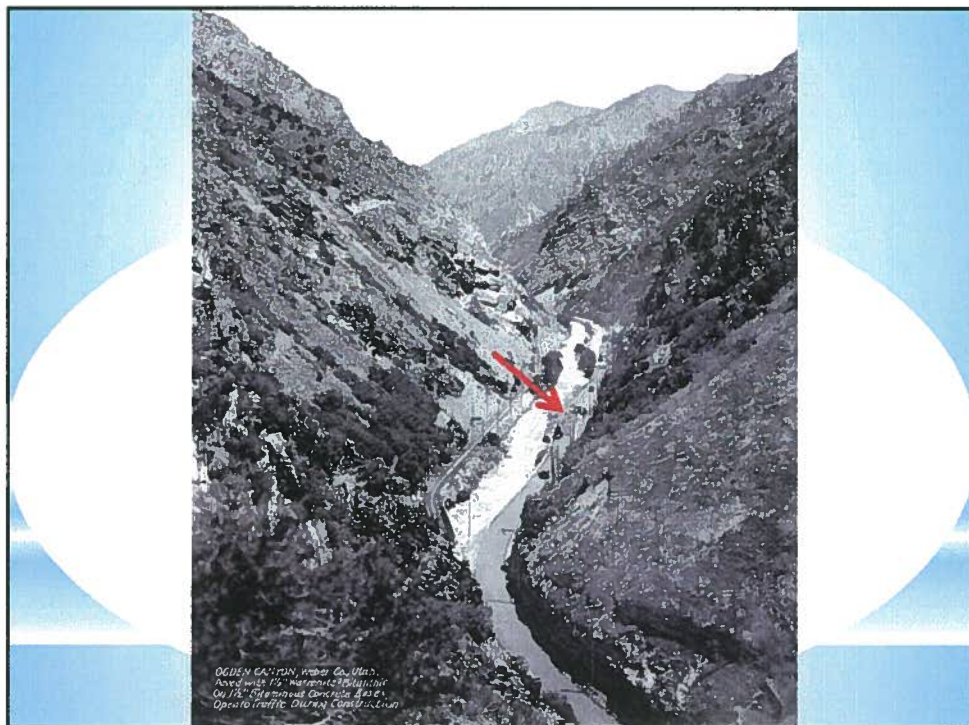
American Fork Canyon

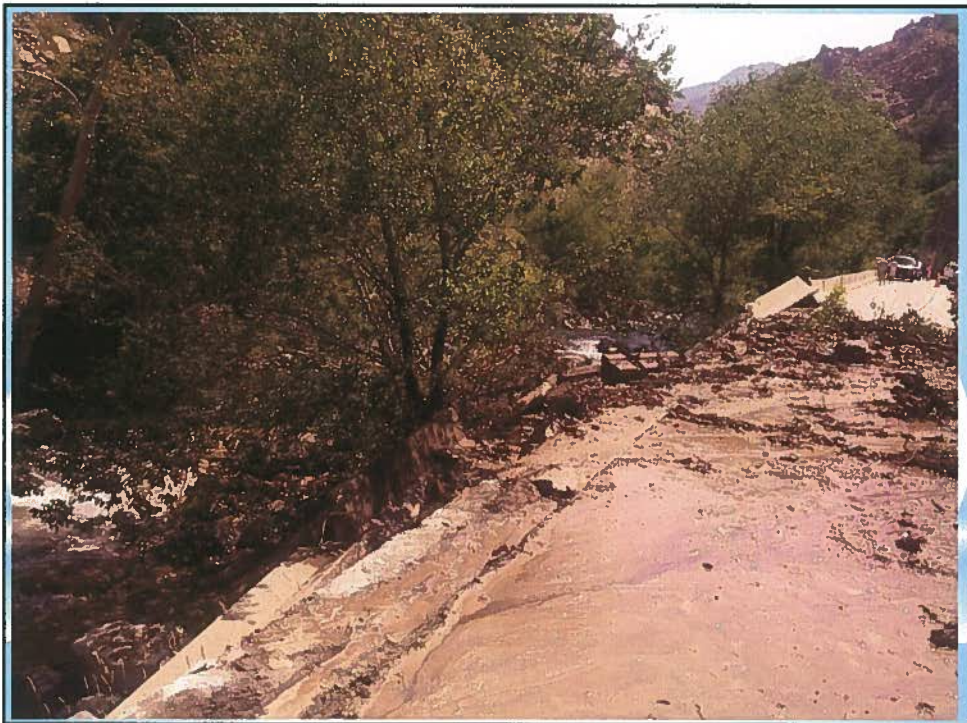


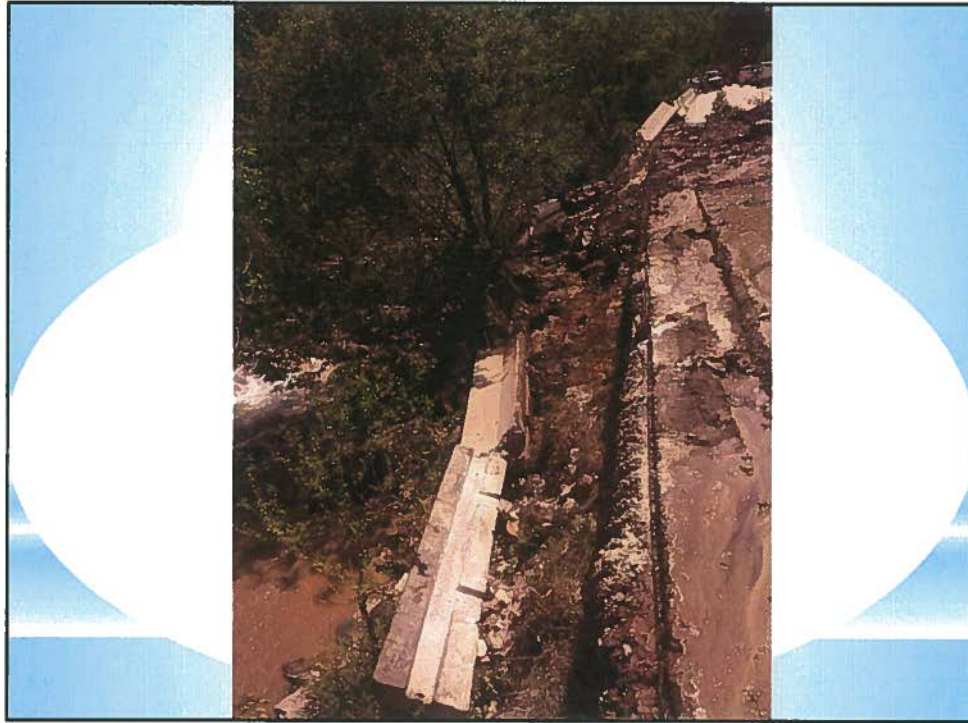


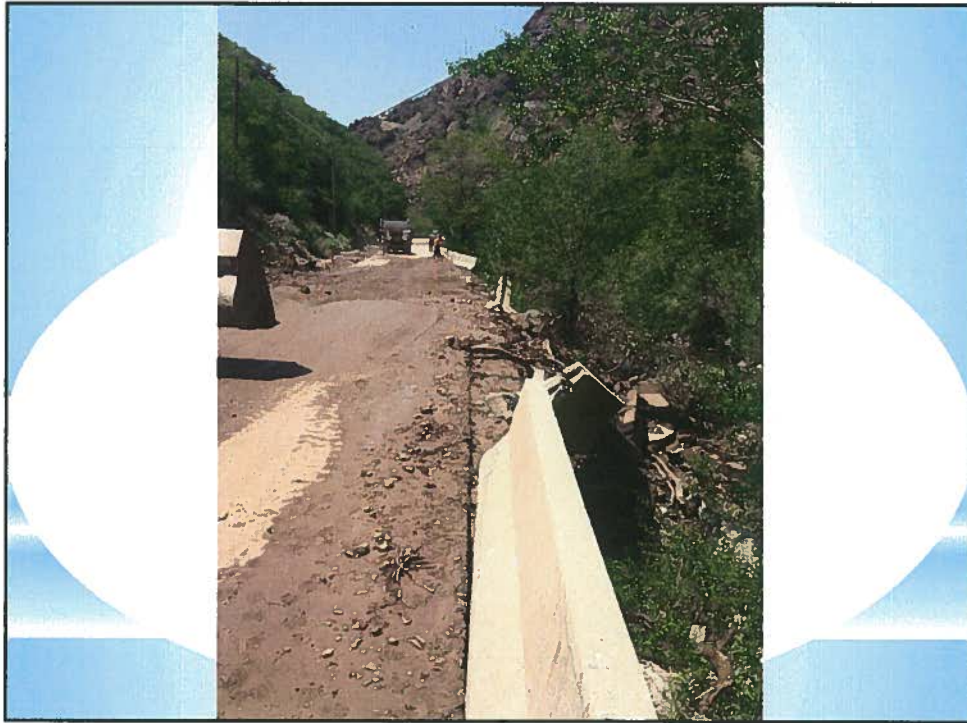
Ogden Canyon

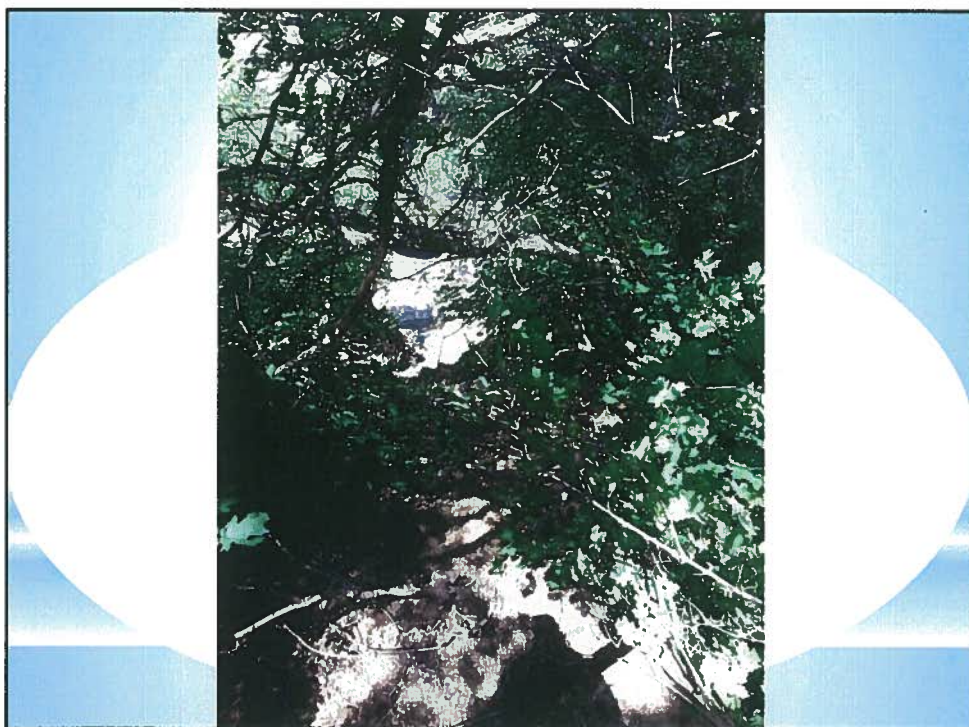
Ogden Canyon Slide July 9, 2013

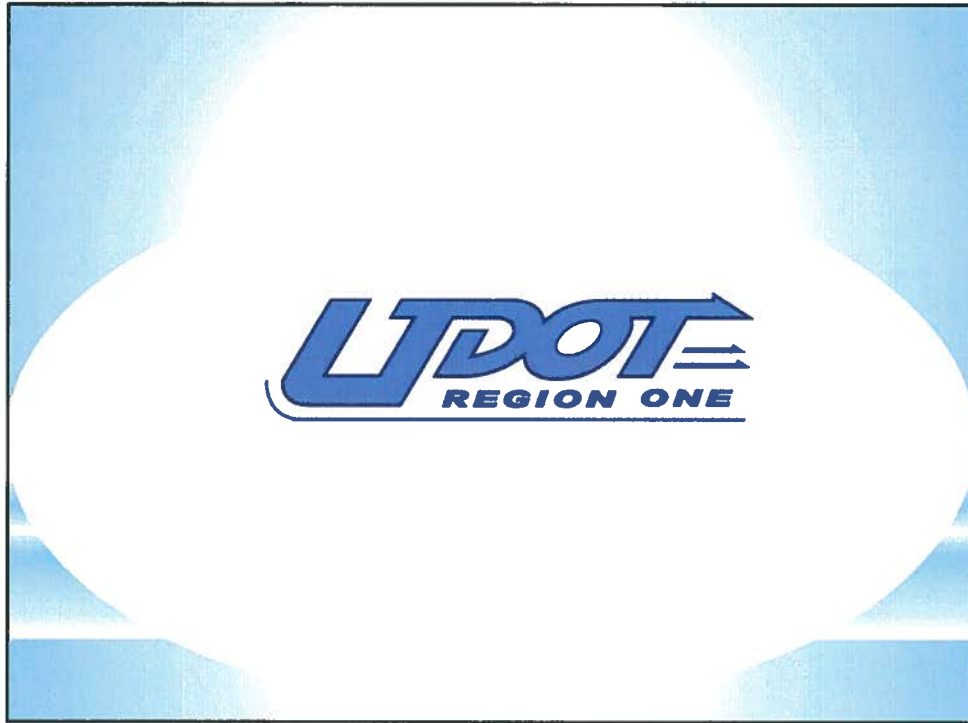






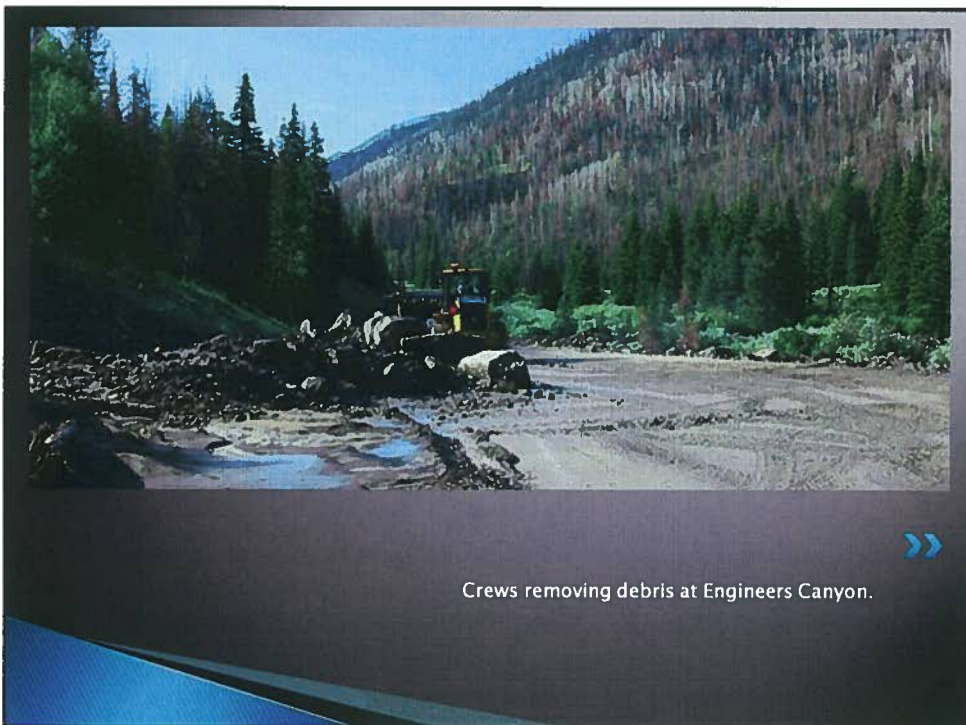


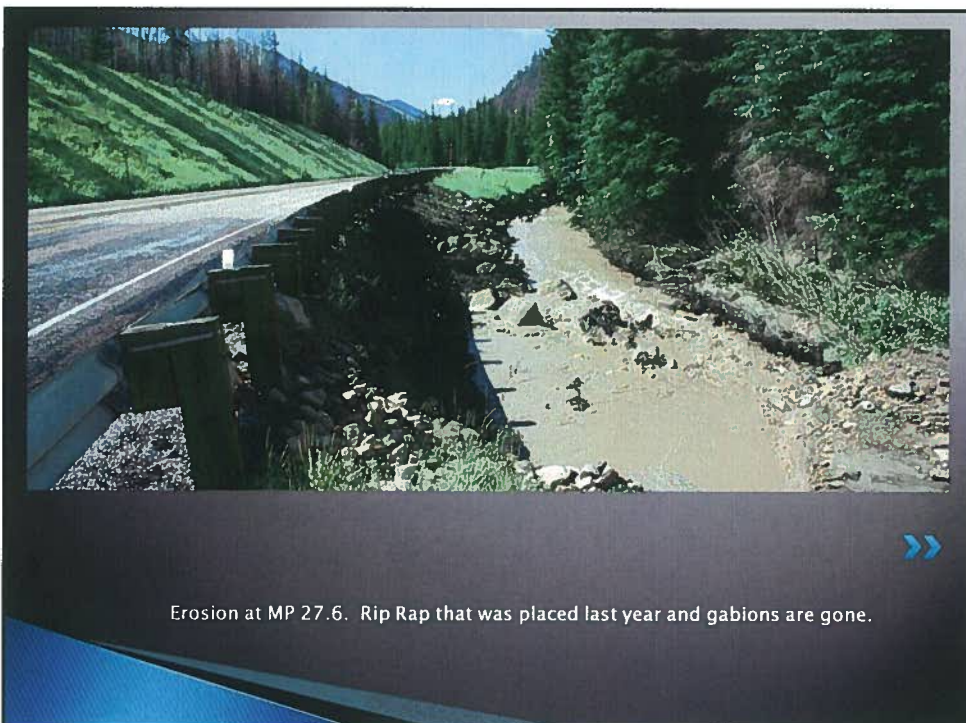
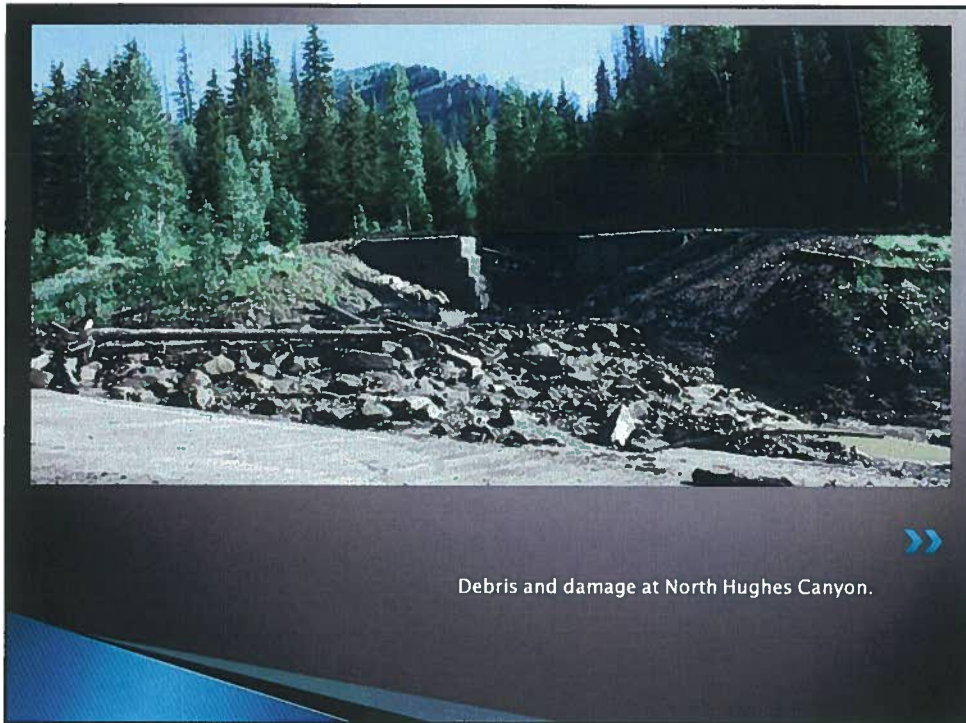


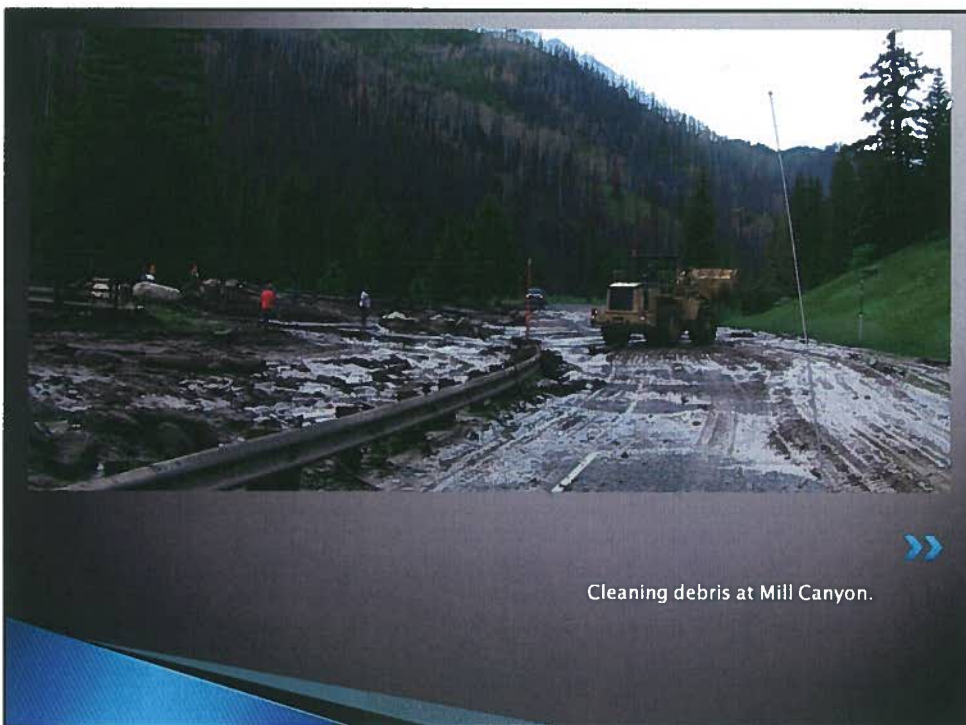
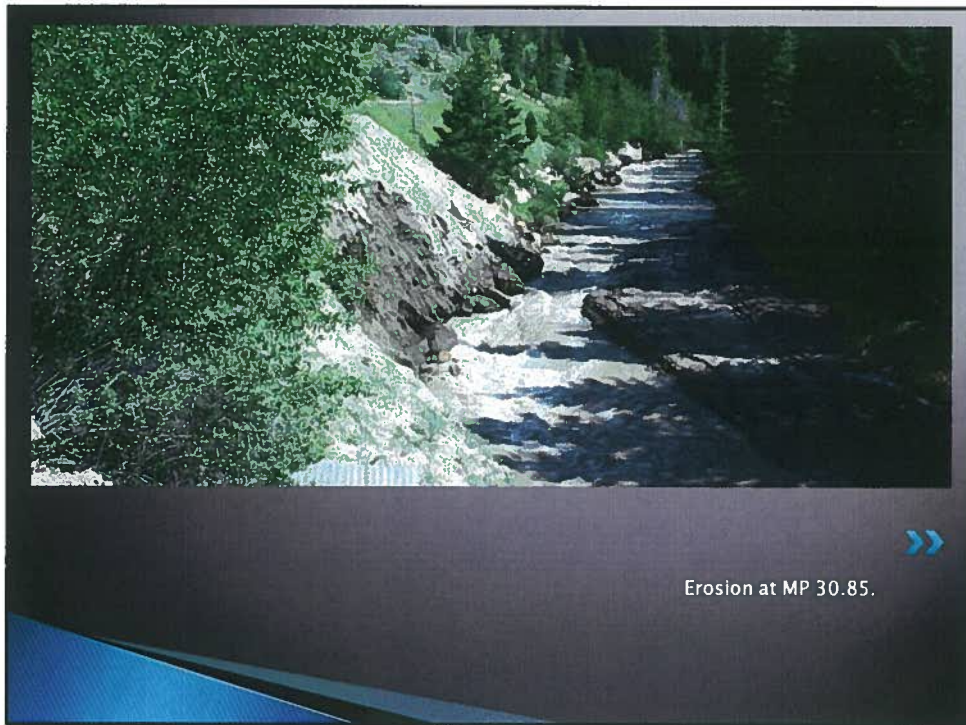


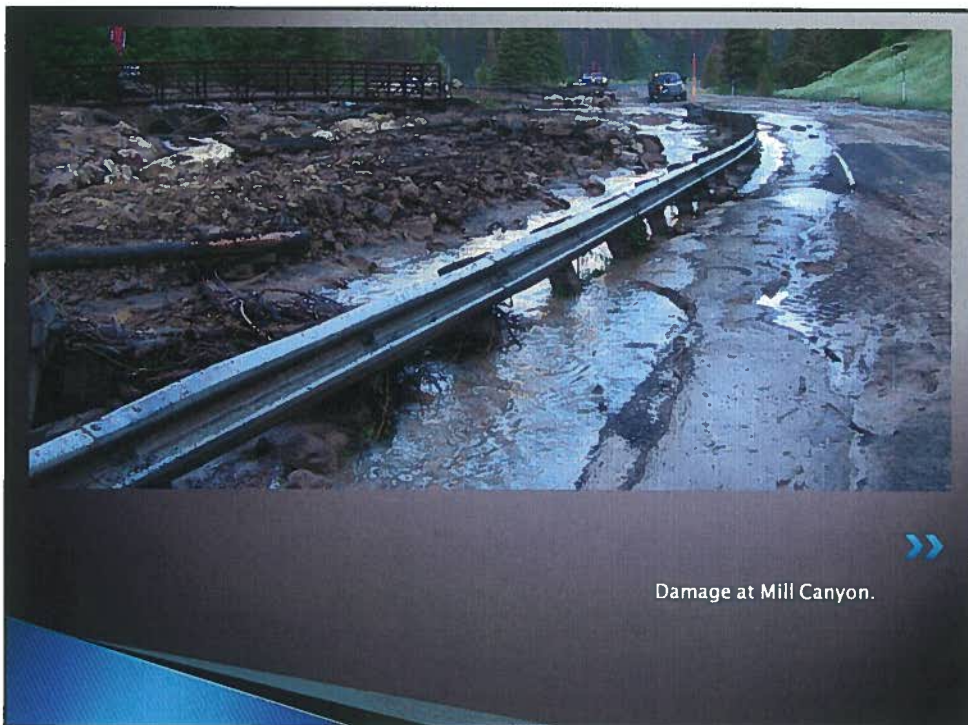
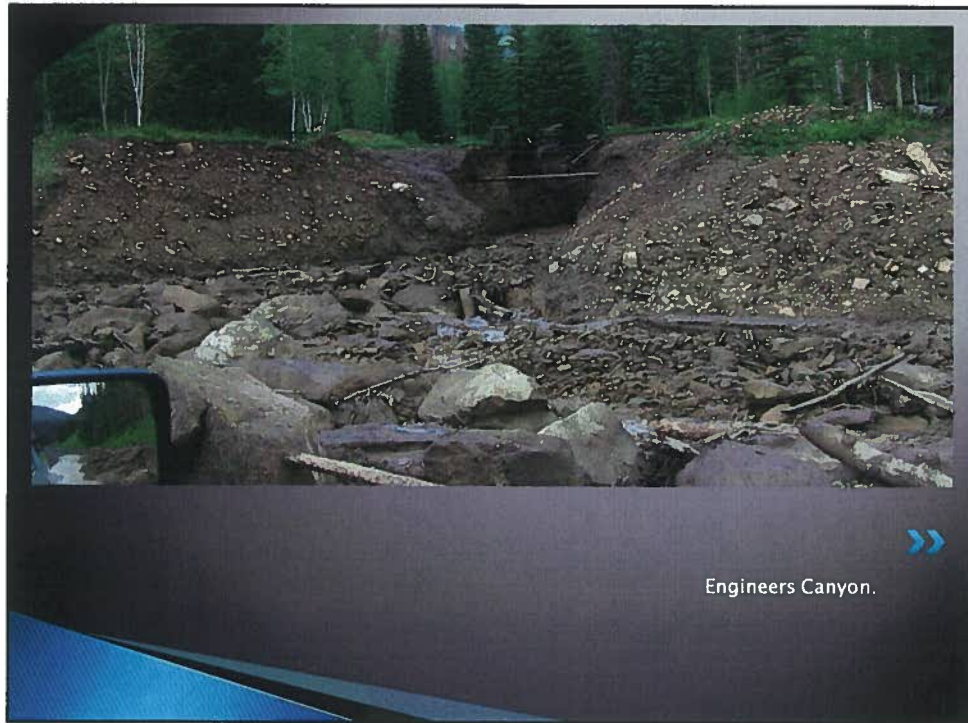
SR-31 FLOODING HUNTINGTON CANYON UPDATE

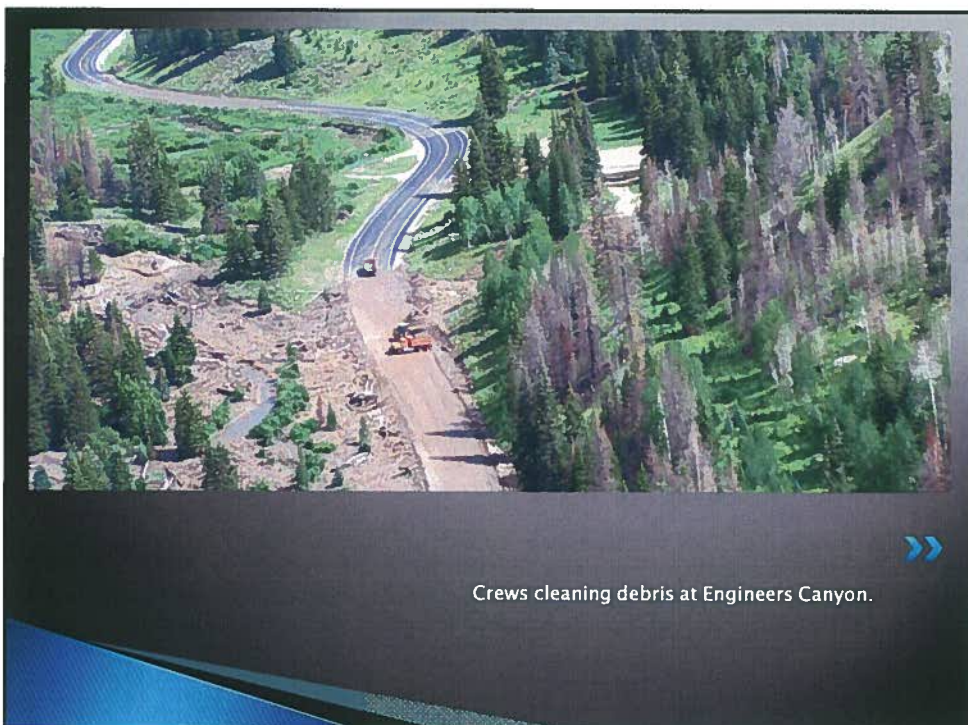
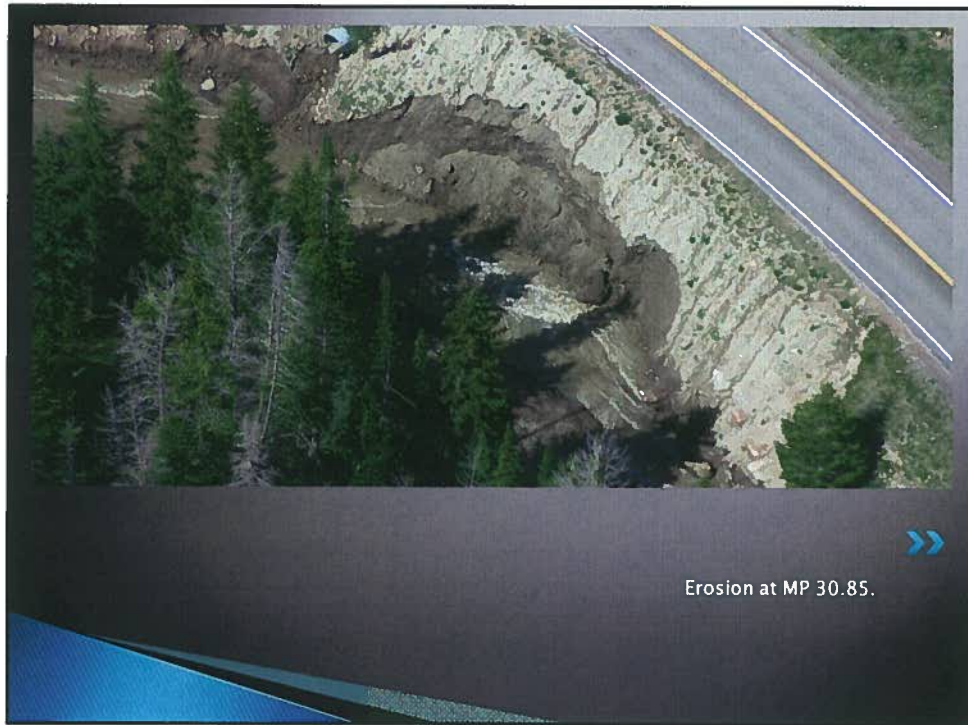
July 19, 2013

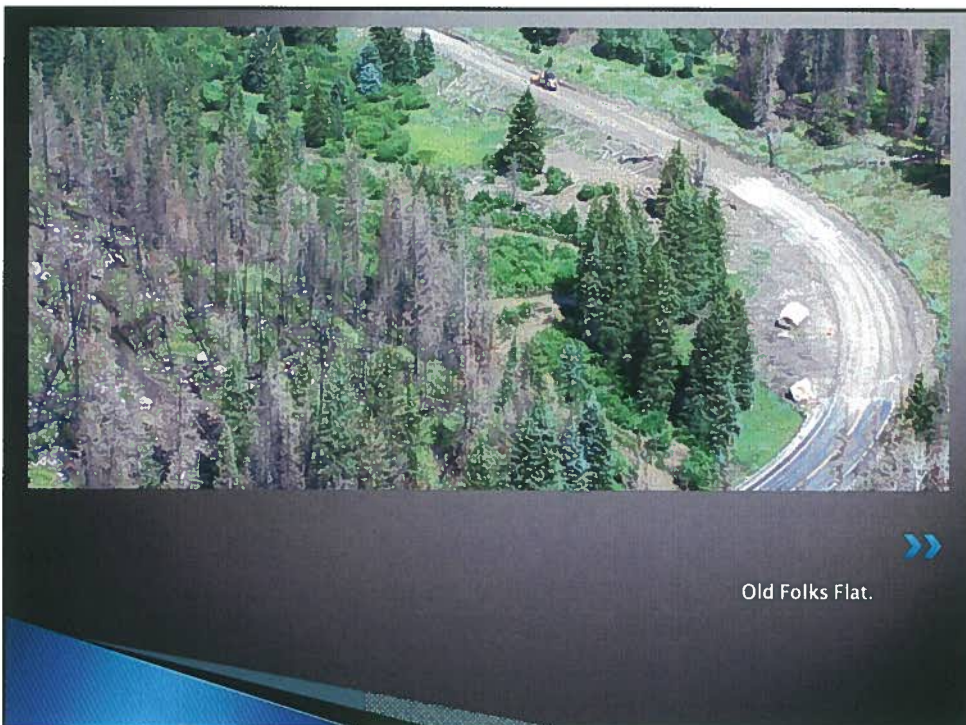
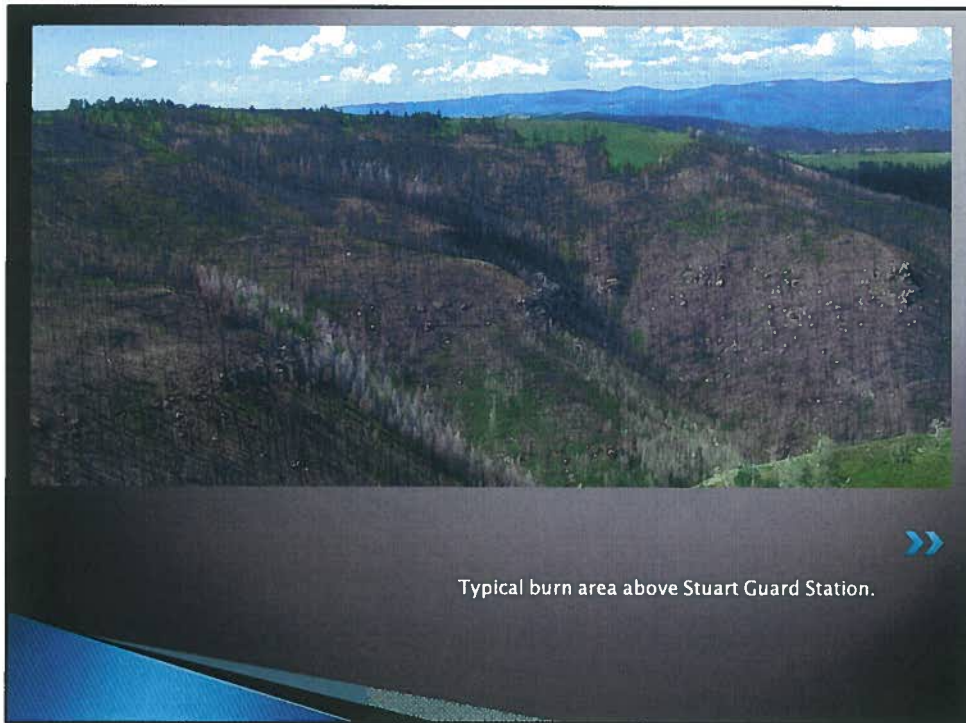














Mill Canyon.



Mill Canyon.

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: July 19, 2013

Agenda Item #: 11

Agenda Item Title: Administrative Efficiency Reporting

Presented by: Becky Bradshaw

Background:

On July 2, 2013, the Reason Foundation published its annual report which ranks the performance of each state's department of transportation. The report indicates that Utah roads are among the nation's best, but the state's administrative costs were four times the national average.

However, the numbers contained in the report are wrong. Some media outlets ran stories based on the Reason Foundation's study and included the inaccuracies.

Becky Bradshaw will explain how the Reason Foundation obtained their data and also present the correct information.

Exhibits/Handouts:

Audio/Visual: PowerPoint

Commission Action Requested:

☒ For Information/Review Only

☐ For Commission Approval

Motion Needed for Approval:

Administrative Efficiency Reporting

Media Stories

- “A new national study says **Utah’s urban highway conditions are among the nation’s best, but the state is among the worst for cost-effective road spending** — including paying nearly four times the national per-mile average for administration.”
- “Utah ranks 26th nationally for overall highway performance and efficiency — falling from 22nd and 16th best in the two previous annual reports by the [Reason Foundation](#).”
- “The study says the **Utah’s administrative costs per mile of highway went from \$12,938 in 2007 to \$42,390 in 2009, a 228 percent increase**. It said that 2009 number was four times higher than the national average, and ranked Utah 45th among the states.”

Reason Foundation

- <http://reason.org/files/20thannualhighways-ut.pdf>

34 | Reason Foundation

Utah

Rank in 2009: 26
Rank in 2008: 22
Rank in 2007: 16



Utah's state highway system is ranked 26th in the nation in overall highway performance and efficiency in the latest *Annual Highway Report* by Reason Foundation. Utah's ranking has fallen from 16th to 22nd to 26th in the last three reports.

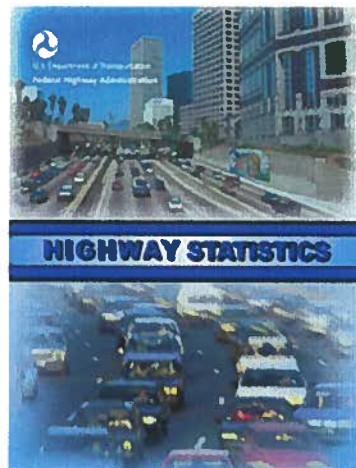
Utah ranks 1st in urban interstate pavement condition, 6th in deficient bridges, 12th in fatality rate, 22nd in rural interstate pavement condition and 26th in urban interstate congestion.

With 5,840 miles under state highway control, it is one of the smaller systems in the country. Yet, Utah's total per-mile highway disbursements are nearly twice the national per-mile average, ranking 39th. The state's per-mile administrative spending is 3.7 times the national per-mile average, ranking 45th in the country.

Utah	State Data			State Rank			Ratio to U.S. State		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
Capital-Output Disbursements per Mile	127,792	89,895	156,163	40	33	38	1.97	1.16	1.55
Maintenance Disbursements per Mile	20,491	23,594	41,360	29	29	40	0.86	1.03	1.62
Administrative Disbursements per Mile	12,936	31,492	47,390	37	47	45	1.33	2.36	3.73
Total Disbursement per Mile	192,024	125,009	275,001	36	39	39	1.43	1.72	1.91
Rural Interstate Percent Poor Condition	0.97	0.97	0.14	30	30	22	0.50	0.50	0.08
Rural Other Principal Arterial Percent Poor	0.61	0.61	0.28	31	32	23	0.95	1.16	0.44
Urban Interstate Percent Poor	1.80	1.89	0.00	17	23	1	0.32	0.35	0.00
Urban Interstate Percent Congested	39.81	40.57	41.78	17	21	26	0.79	0.83	0.90
Rural Arterial Percent Narrow Lanes	0.00	0.00	0.00	1	1	1	0.00	0.00	0.00
Percent of Deficient Bridges	17.01	14.21	13.72	8	6	6	0.68	0.59	0.57
Fatality Rate	1.11	1.86	0.93	12	15	12	0.87	0.84	0.82
Overall Performance	0.81	0.86	1.00	16	22	26			

Federal Highway Administration

- <http://www.fhwa.dot.gov/policyinformation/statistics/2009/pdf/sf4.pdf>



Federal Highway Administration

DISBURSEMENTS FOR STATE-ADMINISTERED HIGHWAYS - 2009 ^{1/}

July 2010

(THOUSANDS OF DOLLARS)

STATE	CAPITAL OUTLAY FOR ROADS AND BRIDGES ^{2/}	MAINTENANCE AND HIGHWAY SERVICES ^{2/}	ADMINISTRATION, RESEARCH AND PLANNING ^{2/}	HIGHWAY LAW ENFORCEMENT AND SAFETY	INTEREST	BOND REDEMPTION ^{3/}	TOTAL DISBURSEMENTS
South Dakota	311,973	70,820	41,389	35,078	-	-	458,260
Tennessee	1,018,337	321,511	252,238	36,580	-	-	1,628,674
Texas	5,394,789	1,285,943	285,894	777,363	718,907	989,181	9,448,980
Utah	911,985	241,536	247,548	55,702	46,058	112,491	1,615,330
Vermont	15,222	85,237	33,632	57,839	4,281	1494	339,125
Washington	1,724,634	626,537	201,921	50,761	82,636	68,510	3,054,961
West Virginia	841,764	288,994	95,672	38,546	31,684	11,263	1,398,926
Total	65,122,982	20,762,054	9,247,098	8,286,048	6,304,759	8,006,423	117,891,336

^{1/} Tables SF-3 and SF-4 summarize receipts and disbursements for State-administered roads and bridges. See general note on Table SF-3 for details. See Table SF-21 for general note on SF series. This table is compiled from reports of State authorities.

^{2/} The classification of administration and miscellaneous expenditures is not uniform for

all States because of indeterminate amounts charged to construction and maintenance projects.

^{3/} Includes redemption by refunding. See Table SB-2 for details.

^{4/} Amounts shown represent data reported for 2008.

Reason Foundation's Calculation

	2007	2008	2009
Administration, Research	75,443,000	183,945,000	247,548,000
Miles of State highway	5,840	5,840	5,840
Utah's Administrative costs per mile of highway	\$ 12,918	\$ 31,497	\$ 42,388

Federal Highway Administration

DISBURSEMENTS FOR STATE-ADMINISTERED HIGHWAYS - 2009 - 1/

July 2009

(THOUSANDS OF DOLLARS)

STATE	CAPITAL OUTLAY FOR ROADS AND BRIDGES 2/	MAINTENANCE AND HIGHWAY SERVICES 3/	ADMINISTRATION, RESEARCH AND PLANNING 4/	HIGHWAY LAW ENFORCEMENT AND SAFETY	INTEREST	BOND RETIREMENT 5/	TOTAL DISBURSEMENTS
South Dakota	311,973	70,620	41,389	35,078	-	-	458,060
Tennessee	1,018,337	321,518	282,288	38,980	-	-	1,639,123
Texas	5,394,788	1,281,943	283,914	777,359	713,607	698,911	8,449,502
Utah	911,885	241,536	247,546	65,722	48,078	12,491	1,487,258
Vermont	155,222	68,297	33,882	57,839	4,281	1,494	330,915
Washington	1,724,834	628,587	201,921	180,781	62,638	138,190	3,036,951
West Virginia	841,784	288,884	95,872	38,549	31,854	17,183	1,304,026
Total	95,152,952	20,712,054	9,247,058	8,296,048	8,304,729	8,038,423	137,851,308

1/ Tables SF-3 and SF-4 summarize receipts and disbursements for State-administered roads and bridges. See general note on Table SF-3 for details. See Table SF-21 for general note on SF series. This table is compiled from reports of State authorities.

2/ The classification of administration and miscellaneous expenditures is not uniform for

all States because of indeterminate amounts charged to construction and maintenance projects.

3/ Includes redemption by refunding. See Table SB-2 for details.

4/ Amounts shown represent data reported for 2008.

Miscellaneous Expenditures

Federal Highway Administration

- “The Classification of administration and **miscellaneous expenditures** is not uniform for all states because of indeterminate amounts charged to construction and maintenance projects.”

Miscellaneous Expenditures

Corridor Preservation Funds	\$	200,000
Express Lanes	\$	337,000
County of the 1st Class	\$	27,000,000
Equipment	\$	35,000,000
Maintenance	\$	136,000,000

Administrative Expenditures

Appropriated vs. Actual Expenditures

*State dollars

FY 2007		FY 2008		FY 2009	
Approp	Actual	Approp	Actual	Approp	Actual
\$ 67,717,300	\$ 58,683,300	\$ 70,123,300	\$ 61,802,800	\$ 67,724,400	\$ 65,855,400

Calculation with the Correct Dollar Amount for Administrative Costs

	2007	2008	2009
Administrative Expenditures -only	<u>58,683,300</u>	<u>61,802,800</u>	<u>65,855,400</u>
Miles of State highway	<u>5,840</u>	<u>5,840</u>	<u>5,840</u>
Utah's Administrative costs per mile of highway	\$ 10,049	\$ 10,583	\$ 11,277

Calculation with the Correct Lane Miles

	2007	2008	2009
Administrative Expenditures -only	<u>58,683,300</u>	<u>61,802,800</u>	<u>65,855,400</u>
Miles of State highway	<u>15,964</u>	<u>15,964</u>	<u>15,964</u>
Utah's Administrative costs per mile of highway	\$ 3,676	\$ 3,871	\$ 4,125

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: July 19, 2013

Agenda Item #: 12

Agenda Item Title: R909-19 Safety Regulations for Tow Truck Operations

Presented by: Chad Sheppick

Background:

This proposed rule amendment is a follow-up to an emergency amendment to R909-19 and is enacted due to legislative changes to Section 41-6a-1406 and Section 72-9-603 from H.B. 115 (2013 General Session) which require the Department to establish a Utah Consumer Bill of Rights Regarding Towing.

Subsections have been added to R909-19-7 to establish guidelines for the Utah Consumer Bill of Rights Regarding Towing. The Bill of Rights ensures that the owner of a vehicle, vessel, or out board motor that has been towed, is informed of the maximum fee(s) for a tow. This information is to be presented to the consumer at first contact by the tow truck motor carrier.

Several non-substantive changes remove the requirement of an annual report, an updated reference to Utah Admin. Code R907-1 to the new title of "Administrative Procedures," the addition of a new certified training company, and corrections of citation to code.

The final amendment has been reviewed by Chad Sheppick, Division Director of Motor Carrier Division, and also recommended for approval by a quorum of the Motor Carrier Advisory Board. The Advisory Board approved the changes through an e-mail process, so that there would not be a lapse between the emergency rule and the effective date of the amended rule.

Exhibits/Handouts: R909-19 Analysis and R909-019 Final Amendment

Audio/Visual: None

Commission Action Requested:

☒ For Information/Review Only
☐ For Commission Approval

Motion Needed for Approval:

Fact sheet prepared by: Tawnya Lang

Fact sheet reviewed by senior leader: Ahmad Jaber

Date submitted: July 8, 2013

R909. Transportation, Motor Carrier.

R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification.

R909-19-1. Authority.

This rule is enacted under the authority of Sections 72-9-601, 72-9-602, 72-9-603, 72-9-604, 53-1-106, 41-6a-1405, Utah Code.

R909-19-2. Applicability.

All tow truck motor carriers and employees must comply and observe all rules, including R909-1, regulations, traffic laws and guidelines as prescribed by State Law, including Sections 41-6a-1404, 41-6a-1405, 41-6a-1406, 72-9-301, 72-9-303, 72-9-601, 72-9-602, 72-9-603, 72-9-604, 72-9-701, 72-9-702, and 72-9-703.

R909-19-3. Definitions.

(1) "Consent Tow" means any tow truck service that is done at the vehicle, vessel, or outboard motor owner's, or its legal operator, knowledge and/or approval.

(2) "Department" means the Utah Department of Transportation.

(3) "Division" means the Motor Carrier Division.

(4) "Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GVCR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

(5) "Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

(6) "Life-Essential personal property" includes those items essential to sustain life or health including: prescription medication, medical equipment, essential clothing (e.g. shoes, coat), food and water, child safety seats, and government issued photo-identification.

(7) "Non-Consent Police Generated Tow" means tow truck service that was ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or a highway authority, as defined in Section 72-1-102.

(8) "Non-[e]Consent Non Police Generated Tow" means towing services performed without the prior consent or knowledge of the owner of the vehicle or the person authorized by the owner to operate the vehicle from private property. The tow truck service must be from private property, at the request of the property landowner or agent for the landowner.

(9) "Normal Office Hours" means hours of operation where the office or yard shall be staffed and open for public business during normal business hours Monday thru Friday, except for designated state and federal holidays.

(10) "Recovery Operation" means a towing service that may require charges in addition to the normal one-truck/one-driver towing service requirements. The additional charges may include

charges for manpower, extra equipment, traffic control, and special recovery equipment and supplies.

(11) "Tow Truck" means a motor vehicle constructed, designed, altered, or equipped primarily for the purpose of towing or removing damaged, disabled, abandoned, seized, repossessed or impounded vehicles from highway or other place by means of a crane, hoist, tow bar, tow line, dolly tilt bed, or other similar means of vehicle transfer without its own power or control.

(12) "Tow Truck Certification Program" means a program to authorize and approve tow truck motor carrier owners, operators, and vehicles is the process by which the Department, acting under Section 72-9-602, shall verify compliance with the State and Federal Motor Carriers Safety Regulations.

(13) "Tow Truck Motor Carrier" means any company that provides for-hire, private, salvage, or repossession towing services. It includes the company's agents, officers, and representatives as well as employees responsible for hiring, training, supervisory, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of equipment and/or accessories.

(14) "Tow Truck Service" means the functions and any ancillary operations associated with recovering, removing, and towing a vehicle and its load from a highway or other place by means of a tow truck.

(a) Tow Truck Service, with regards to authorized towing fees, is determined by the type and size of the towed vehicle, not the type and size of the tow truck performing the service.

(b) Towed Vehicle Classifications will be used when determining authorized fees. Information regarding the GVWR to determine classification category of towed vehicle can be found on the identification plate on the vehicle driver side doorframe. Towed vehicle classifications are as follows:

(i) "Light Duty" means any towed vehicle with a GVWR 10,000 pounds or less;

(ii) "Medium Duty" means any towed vehicle with a GVWR between 10,001 and 26,000 pounds;

(iii) "Heavy Duty" means any towed vehicle with a GVWR or GCWR 26,001 pounds and greater.

(15) "Tow Truck Motor Carrier Steering Committee" means a committee established by the Motor Carrier Division and will include enforcement personnel, industry representatives and other persons as deemed necessary.

R909-19-4. Duties - Enforcement - Compliance Audits, Inspections and Right of Entry.

The Department shall administer and in cooperation with the Department of Public Safety, Utah Highway Patrol Division as specified under Section 53-8-105, shall administer and enforce state and federal laws related to the operation of tow truck motor carriers within the state. In addition, a tow truck motor carrier shall submit its lands, property, buildings, equipment for inspection and examination and shall submit its accounts, books, records, or other documents for inspection and copying to verify

compliance as authorized by Section 72-9-301.

R909-19-5. Insurance.

(1) Non-consent police generated tows are required to maintain at least \$750,000 of liability insurance.

(2) Tow Truck Motor Carriers performing non-consent non-police generated tows or consent tows are required to maintain at least \$1,000,000 of liability insurance plus the MCS-90 endorsement for environmental restoration as required in 49 CFR Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers.

(3) Evidence of required insurance will be maintained at the principal place of business and made available to the Department and/or Investigator upon request and prior to the Tow Truck Motor Carrier certification.

R909-19-6. Penalties and Fines.

(1) Any tow truck motor carrier that fails or neglects to comply with State or Federal Motor Carrier Safety Regulations, other statutes, any part of this rule, any term or condition of the permit or any materials that it incorporates either by reference or attachment, or a Departmental order, is subject to:

(a) a civil penalty as authorized by Section 72-9-701, and 72-9-703;

(b) suspension or revocation of a carrier or tow truck certification (suspension or revocation will be based upon the severity of violations to this rule, Sections 41-6a-1406 and 72-9-603);

(c) issuance of a cease-and-desist order as authorized by Section 72-9-303; and

(d) the revocation or suspension of registration by the Utah State Tax Commission pursuant to Section 72-9-303.

R909-19-7. Towing Notice Requirements.

(1) All non-consent police generated and non-consent non-police generated tows conducted by Tow Truck Motor Carriers must input required information in electronic form on the Division of Motor Vehicles Utah State Tax Commission's website, at "<https://secure.utah.gov/ivs/ivs>" as required by 41-6a-1406(11).

(a) Tow Truck Motor Carriers may charge an administrative fee up to but not exceeding \$30.00 per vehicle notification for reporting non-consent tows to the Department of Motor Vehicles.

(2) Tow Truck Motor Carriers must notify the local enforcement agency having jurisdiction over the area from where the vehicle, vessel, or outboard motor was removed on all non-consent non-police generated tows immediately upon arrival at the impound or storage yard.

(a) For tows conducted on vehicles, vessels, and outboard motors and the owner information does not appear in the IVS or TLR (Title License Registration) systems, a Tow Truck Motor Carrier has met this requirement if they can provide proof that a certified letter has been sent to the Utah State Tax Commission Division of Motor Vehicle or the appropriate state where the

vehicle, vessel, and outboard motor is registered, within two business days requesting the needed information to send the letter.

(3) If required notifications to the Division of Motor Vehicles and local law enforcement is not completed as required by Sections 41-6a-1406 and 72-9-603, the Tow Truck Motor Carrier or operator may not collect any fees associated with the removal or begin charging storage fees as authorized under Sections 41-6a-1406 and 72-9-603 until the removal has been reported to the Motor Vehicle Division and the local law enforcement agency.

(4) If notification to the last known owner and lien holder is not made as required by this rule, the Tow Truck Motor Carrier may be subject to penalties as outlined in this rule.

(5) The tow truck motor carrier or the tow truck driver must provide a copy of the Utah Consumer Bill of Rights Regarding Towing at first contact with the owner of a vehicle, vessel, or out board motor that was towed.

(a) The tow truck motor carrier must be able to verify that the consumer received their copy of the Utah Consumer Bill of Rights Regarding Towing.

(6) The Utah Consumer Bill of Rights Regarding Towing shall contain the following language and information:

(a) The consumer has the right to know they are being charged an appropriate fee. Towing fees are established by the Utah Department of Transportation under Utah Code Annotated Section 72-9-603 and Utah Administrative Code R909-19.

<http://www.rules.utah.gov/publicat/code/r909/r909-019.htm>

(i) Non-Consent Police Generated Tow.

(A) Light duty vehicle: Tow fee - up to \$145.00 per hour, per unit; Storage fee - up to \$25.00 per day for outside storage or \$30.00 per day for inside storage; Administrative fee - up to \$30.00; Fuel Surcharge - percentage of tow fee. See R909-19-14 for specific fuel surcharge rate.

(B) Medium duty vehicle: Tow fee - up to \$240.00 per hour, per unit; Storage fee - up to \$45.00 per day for outside storage or \$70.00 per day for inside storage; Administrative fee - up to \$30.00; Fuel Surcharge - percentage of tow fee. See R909-19-14 for specific fuel surcharge rate.

(C) Heavy duty vehicle: Tow fee - up to \$300.00 per hour, per unit; Storage fee - up to \$45.00 per day for outside storage or \$70.00 per day for inside storage; Administrative fee - up to \$30.00; Fuel Surcharge - percentage of tow fee. See R909-19-14 for specific fuel surcharge rate.

(D) Light, medium and heavy duty vehicles: An additional 15% per hour may be charged for the tow fee if the towed vehicle is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.

(ii) Non-Consent Non Police Generated Tow.

(A) Light duty vehicle: Tow fee - up to \$145.00 per tow; Storage fee - up to \$25.00 per day for outside storage or \$30.00 per day for inside storage; Administrative fee - up to \$30.00;

Fuel Surcharge - percentage of tow fee. See R909-19-14 for specific fuel surcharge rate.

(B) Medium duty vehicle: Tow fee - up to \$240.00 per tow; Storage fee - up to \$45.00 per day for outside storage or \$70.00 per day for inside storage or \$100.00 per day for outside storage of vehicles used in the transportation of materials found to be hazardous; Administrative fee - up to \$30.00; Fuel Surcharge - percentage of tow fee. See R909-19-14 for specific fuel surcharge rate.

(C) Heavy duty vehicle: Tow fee - up to \$300.00 per tow; Storage fee - up to \$45.00 per day for outside storage or \$70.00 per day for inside storage or \$100.00 per day for outside storage of vehicles used in the transportation of materials found to be hazardous; Administrative fee - up to \$30.00; Fuel Surcharge - percentage of tow fee. See R909-19-14 for specific fuel surcharge rate.

(D) Light, medium and heavy duty vehicles: An additional 15% per hour may be charged for the tow fee if the towed vehicle is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.

(b) All non-consent tows must be reported to the Utah Motor Vehicle Division via the Impound Vehicle System (IVS) before payment can be collected as per Utah Code annotated Sections 41-6a-1406 and 72-9-603. To verify that the required IVS reporting was completed by the tow truck company visit www.tow.utah.gov.

(i) The consumer has a right to receive documentation from the tow truck motor carrier showing the date and time the storage began.

(c) The tow truck motor carrier, driver(s) and vehicle(s) must comply with the Federal Motor Carrier Safety Regulations at <http://www.udot.utah.gov> by clicking on the Motor Carrier link and then the safety and compliance link.

(d) A consumer has the right to file a complaint alleging:

(i) Overcharges:

(ii) Inadequate certification for the driver, truck or company, and;

(iii) Violations of the Federal Motor Carrier Safety Regulations, Utah Code Annotated or Utah Administrative Code.

(e) Complaints may be filed online with the Utah Department of Transportation at www.udot.utah.gov. Click on the Motor Carrier Division tab, Comments or Complaints tab, and click on the Tow Truck Complaint form.

R909-19-8. Certification.

There are three (3) certifications required by the Department.

(1) Tow Truck Driver Certification.

(a) Effective July 1, 2004 all tow truck drivers will be tested and certified in accordance with National Driver Certification Procedure (NDCP) standards and carry evidence of certification for the appropriate level of vehicle they are

operating. These standards of conduct and proficiency may be tested and certified through an accepted program approved by the Department.

(i) Towing and Recovery Association of America (TRAA) Testing Program;

(ii) Wreckmaster Certification Program;

(iii) AAA Certification Program;

(iv) Utah Safety Council; [~~or~~]

(v) North American Towing Academy; or

(vi) Other driver testing certification programs approved by the Department to meet certification requirements, however, ~~the~~ ^[+] the Tow Truck Motor Carrier must obtain prior approval in writing from the Motor Carrier Division Administrator or Division representative by calling (801) 965-4892.

(b) Information on qualified certification programs may be obtained by contacting the Motor Carrier Division at (801) 965-4892.

(c) Tow Truck Motor Carriers shall ensure that all drivers are:

(i) properly trained to operate tow truck equipment;

(ii) licensed, as required under Sections 53-3-101, through 53-3-909 Uniform Driver License Act; and

(iii) properly certified.

(2) Tow Truck Vehicle Certification.

(a) All tow trucks shall be inspected and certified biannually.

(b) All tow trucks must be equipped with required safety equipment. Safety Equipment List can be found at <http://www.udot.utah.gov/index.php/m=c/tid=396> or by calling 801-965-4892.

(c) Upon vehicle certification, a UDOT safety sticker will be issued and shall be affixed on the driver's side rear window.

(d) Documentation of UDOT tow truck vehicle inspection certification shall be kept in the vehicle files and be available upon request by Department personnel.

(3) Tow Truck Motor Carrier Certification.

(a) Tow Truck Motor Carriers shall be certified biannually to ensure compliance as required by the Federal Motor Carrier Safety Regulations, Utah Code Annotated, and local laws where applicable.

R909-19-9. Certification Fees.

The Department may charge Tow Truck Motor Carriers a fee biannually as authorized by Section 72-9-603 to cover costs associated with driver, vehicle, and carrier certifications.

R909-19-10. Information Required on Towing Receipt.

Charges for services provided must be clearly reflected on a company receipt and a copy shall be provided to the customer. The receipt must include the following information:

(a) company name;

(b) address;

(c) phone number;

- (d) transportation, administration, fuel surcharge, and storage fees charged;
- (e) name of company driver;
- (f) unit number;
- (g) license plate of the towed vehicle;
- (h) make, model, Vehicle Identification Number, and year of the towed vehicle; and
- (i) start and end time with total hours for services provided.

R909-19-11. Maximum Towing Rates. Non-Consent Police Generated Tows.

(1) \$145 per hour, per unit, when towing a "Light Duty" vehicle.

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.

(2) \$240 per hour, per unit, when towing a "Medium Duty" vehicle.

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.

(3) \$300 per hour, per unit, when towing a "Heavy Duty" vehicle.

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.

(4) If a tow truck apparatus is mechanically connected to a vehicle, the tow truck will be considered in possession of the vehicle.

(a) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle, is attempting to retrieve said vehicle before the tow truck is mechanically connected, no fee(s) will be charged to the vehicle owner.

(b) If the owner, authorized operator, or authorized agent of the owner of the vehicle, is attempting to retrieve said vehicle before the vehicle is removed from the property or scene, the maximum fee shall not exceed 50% of the posted rate schedule.

(5) Charges for recovery operations, as defined by R909-19-3, shall be coordinated with the towed vehicle owner prior to initiating the additional charges relating to the recovery operation. Coordination with the towed vehicle owner should result in an agreement between the tow vehicle owner and Tow Truck Motor Carrier.

(6) Pursuant to Section 72-9-603 it is illegal for a Tow Truck Motor Carrier to require the owner of an impounded vehicle to pay any money other than the appropriate amount listed in this rule. Any tow truck service charging more than the maximum approved rates may be assessed civil penalties determined by the Department, as authorized under Section 72-9-7[3]03.

(7) Tow Truck Motor Carriers shall obey all local city and county laws, when applicable, pertaining to placement of signs, notification, and other towing related ordinances. Strobe lights are not allowed on Tow Trucks. The acceptable color for tow truck lights is amber.

R909-19-12. Maximum Non-Consent Non Police Generated Towing Rate.

(1) The maximum rate for a "Light Duty" vehicle is \$145 per tow.

(2) The maximum rate for a "Medium Duty" vehicles is \$240 per tow.

(3) The maximum rate for a "Heavy Duty" vehicle is \$300 per tow.

(4) If a tow truck apparatus is mechanically connected to a vehicle, the tow truck will be considered in possession of the vehicle.

(a) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle, is attempting to retrieve said vehicle before the tow truck is mechanically connected, no fee(s) will be charged to the vehicle owner.

(b) If the owner, authorized operator, or authorized agent of the owner of the vehicle, is attempting to retrieve said vehicle before the vehicle is removed from the property or scene, the maximum fee shall not exceed 50% of the posted rate schedule.

(5) Pursuant to Section 72-9-603, it is illegal for a Tow Truck Motor Carrier to require the owner of an impounded vehicle to pay any money other than the appropriate amount listed in this rule. Any tow truck service charging more than the maximum approved rates may be assessed civil penalties determined by the Department, as authorized under Section 72-9-3]703.

(6) Tow Truck Motor Carriers shall obey all local city and county laws, when applicable, pertaining to placement of signs, notification, and other towing related ordinances.

R909-19-13. Maximum Storage Rates. Non-Consent Tows.

(1) \$25 Maximum per day, per unit, for outside storage of "Light Duty" vehicles.

(2) \$30 Maximum per day, per unit may be charged for inside storage of "Light Duty" vehicles only at the owner's request, or at the order of a law enforcement agency or highway authority.

(3) \$45 Maximum per day, per unit for outside storage of "Medium/Heavy Duty" vehicles.

(4) \$70 Maximum per day, per unit may be charged for inside storage of "Medium/Heavy Duty" vehicles only at the owner's request, or at the order of a law enforcement agency or highway authority.

(5) \$100 Maximum per day, per unit for outside storage of

vehicles used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.

(6) \$150 Maximum per day, per unit may be charged for inside storage of vehicles used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F, only at the owner's request, or at the order of a law enforcement agency or highway authority.

(7) Pursuant to Section 72-9-603, it is illegal for a Tow Truck Motor Carrier to require the owner of an impounded vehicle to pay any money other than the appropriate amount listed in this rule. Any tow truck service charging more than the maximum approved rates may be assessed civil penalties determined by the Department, as authorized under Section 72-9-[3]703.

(8) For the purpose of calculating storage rates, if the first six (6) hours of storage for a vehicle includes more than one day, the authorized storage fee is only the charge for one day.

R909-19-14. Fuel Surcharge for Non-Consent Police and Non-Consent Non-Police Generated Tows.

(1) When the daily Rocky Mountain Average, as determined by the Department of Energy, for the price of fuel raises \$0.50 from the base rate of \$3.00 to \$3.50 per gallon, a tow truck motor carrier may charge a 10% surcharge of the base tow rate. An additional 10% shall be allowed for each \$0.50 per gallon increase. Conversely, as the price of fuel drops, the fuel surcharge shall decrease by the same rate.

TABLE

Fuel Surcharge		Fuel Price		
Size of Tow	Base Rate	\$3.50	\$4.00	\$4.50
\$5.00				
Light Duty	\$145.00	\$14.50	\$29.00	\$43.50
\$58.00				
Medium Duty	\$240.00	\$24.00	\$48.00	\$72.00
\$96.00				
Heavy duty	\$300.00	\$30.00	\$60.00	\$90.00
\$120.00				

(a) To determine the Rocky Mountain daily average per gallon diesel cost, refer to <http://tonto.eia.doe.gov/oog/info/wohdp/diesel.sap>.

(b) The fuel surcharge may be charged on non-consent police generated tow when the vehicle is being used in the function of a tow vehicle i.e. travel to and from the scene and during the operation of equipment for recovery operation. Non-consent non-police tows may charge a one time fee.

(c) Surcharge fee shall be listed as a separate fee on the tow bill.

R909-19-15. Towing and Storage Rates. Public Consent Tows.

Towing rates for public consent tows are the responsibility of the consumer and the tow truck motor carrier as contracted for services rendered and are not regulated by the Department.

R909-19-16. Rates and Storage Posting Requirements.

Pursuant to Section 72-9-603, a tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all its current non-consent fees and rates for towing and storage of a vehicle.

R909-19-17. Federal Motor Carrier Safety Requirements.

All tow truck motor carriers that meet the definition of a commercial motor carrier shall comply with all State and Federal Motor Carrier Safety Regulations, in addition to any other legal requirements established in statute, rule, or permit.

R909-19-18. Consumer Protection Information.

Pursuant to Section 72-9-602, the Department shall make consumer protection information available to the public that may use a tow truck motor carrier. To obtain such information, the public can call the Motor Carrier Division at (801) 965-4892.

R909-19-19. Establishment of Tow Truck Steering Committee and Work Group.

(1) The Administrator for the Motor Carrier Division will establish a Steering Committee to provide advisory information and input.

(2) The Motor Carrier Advisory Board, established by the Governor, will serve as the steering body for regulatory guidance and the Department's certification process.

R909-19-20. Annual Review of Rates, Fees and Certification Process.

(1) During the regularly scheduled Motor Carrier Advisory Board meeting in August of each year, the board will review rates, fees, tow truck motor carrier procedures, and the certification process. The board is not required to review each of these items every year.

(2) This meeting will provide a forum for interested parties to provide evidence in support of any rate or fee increase or issues related to procedures regarding the certification process.

(3) All interested parties must notify the Department of these issues by August 1 of each year to ensure placement on the agenda.

~~[(4) An annual report will be issued by the Department regarding any rate, fees, tow truck motor carrier procedures and certification process changes will be made available at the Motor Carrier Division office.]~~

R909-19-21. Ability to Petition for Review.

Any Tow Truck Carrier who believes the Division has acted wrongfully in denying or suspending certification or in imposing a cease-and-desist order may petition the Department for review of that action pursuant to Utah Admin. Code R907-1, [~~Appeal of Departmental Actions~~]Administrative Procedures.

R909-19-22. Record Retention.

Tow Truck Motor Carriers shall retain records relating to rates charged for services for a period of six months after the service has been provided. However, if the Division or the vehicle owner have notified the carrier that it disputes its ability to charge a particular fee, the carrier shall retain the record until six months after the dispute has concluded or a court rule or order requires a longer retention period.

R909-19-23. Life Essential Property.

Property which is deemed as life essential shall be given to the vehicle owner regardless of payment for rendered services.

KEY: safety regulations, trucks, towing, certifications

Date of Enactment or Last Substantive Amendment: February 7, 2012

Notice of Continuation: September 19, 2011

Authorizing, and Implemented or Interpreted Law: 41-6a-1404; 41-6a-1405; 41-6a-1406; 53-1-106; 53-8-105; 72-9-601; 72-9-602; 72-9-603; 72-9-604; 72-9-301; 72-9-303; 72-9-701; 72-9-702; 72-9-703

NOTICE OF
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Rule Information

DAR file no: _____ Date filed: _____
 State Admin Rule Filing Key: 154443
 Utah Admin. Code ref. (R no.): R909-19

Agency Information

1. Agency: TRANSPORTATION - Motor Carrier
- Room no.: _____
 Building: CALVIN L RAMPTON COMPLEX
 Street address 1: 4501 S 2700 W
 Street address 2: _____
 City, state, zip: SALT LAKE CITY UT 84119-5998
 Mailing address 1: PO BOX 148240
 Mailing address 2: _____
 City, state, zip: SALT LAKE CITY UT 84114-8240

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Christine Newman	801-965-4026	801-965-4338	cwnewman@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
 Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification.

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:
 This proposed rule amendment is a follow-up to an emergency amendment to R909-19 and is enacted due to legislative changes to Section 41-6a-1406 and Section 72-9-603 from H.B. 115 (2013 General Session) which require the department to establish a Utah Consumer Bill of Rights Regarding Towing.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

☒ No ☐ Yes

Rule Summary

6. Summary of the rule or change:
 Subsections have been added to R909-19-7 to establish guidelines for the Utah Consumers Bill of Rights Regarding Towing as required by H. B. 115 (2013 General Session.) The Bill of Rights ensures that the owner of a vehicle, vessel, or out board motor that has been towed, is informed of the maximum fee(s) for a tow. This information is to be presented to the consumer at first contact by the tow truck motor carrier. Several non-substantive changes include removing the requirement of an annual report, an updated reference to Utah Admin. Code R907-1 to the new title of "Administrative Procedures," the addition of a new certified training company, and corrections of citations to code.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: ☐ No ☒ Yes

There will be an initial rise in cost for time spent researching fee complaints, but it is expected that in the long term this amendment will reduce the number of complaints overall, and also reduce the number of man hours resolving complaints.

B) Local government:

Affected: ☒ No ☐ Yes

There is no anticipated cost or savings to local governments because this amendment only affects state regulation of tow truck companies.

C) Small businesses:

Affected: ☐ No ☒ Yes

("small business" means a business employing fewer than 50 persons)

The approximate cost of printing copies of the Utah Consumer Bill of Rights Regarding Towing – 1,000 copies at .15 per copy - is \$150.00 per tow company. There are 600 tow companies operating in the State of Utah with an estimated total cost of \$90,000.00 for the industry.

D) Persons other than small businesses, businesses, or local government entities:

Affected: ☒ No ☐ Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this amendment only affects state regulation of tow truck companies.

Compliance Cost Information

8. Compliance costs for affected persons:

The approximate cost of printing copies of the Utah Consumer Bill of Rights Regarding Towing – 1,000 copies at .15 per copy - is \$150.00 per company. There are 600 tow companies operating in the State of Utah with an estimated total cost of \$90,000.00 for the industry.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

There are no anticipated fiscal impacts on businesses except those listed as compliance costs for tow companies affected by this proposed rule.

B) Name and title of department head commenting on the fiscal impacts:

Carlos Braceras, Executive Director

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :
Section 72-9-702, Section 72-9-703, Section 41-6a-1405, Section 41-6a-1404

Section 72-9-701

Section 72-9-303

Section 41-6a-1406

Section 53-1-106

Section 72-9-603

Section 72-9-602

Section 72-9-601

Section 53-8-105

Section 72-9-604

Section 72-9-301

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page)

Publisher

Date Issued (mm/dd/yyyy)

Issue, or version (including partial dates)

ISBN Number

ISSN Number

Cost of Incorporated Reference

Adds, updates, removes-- SELECT ONE --

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members.

Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 09/03/2013
 B) A public hearing (optional) will be held:
 On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 09/10/2013

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
 safety regulations, trucks, certifications, towing

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title:	Carlos Braceras Executive Director	Date (mm/dd/yyyy): 07/08/2013
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**Utah Transportation Commission Meeting
Agenda Fact Sheet**

Commission Meeting Date: July 19, 2013

Agenda Item: 13

Subject: Marda Dillree Corridor Preservation Acquisition Request – WDC

Background: Financial Hardship Request – Scott & Kelly Colton

- The property address is 1307 Gleneagles Drive in Syracuse. This is a residential home owned by Scott & Kelly Colton.
- This property is in the path of the preferred UDOT alignment of the West Davis Corridor.
- Mr. Colton has been relocated to Texas by his employer. He started work on May 6th and is paying temporary housing until the home in Syracuse sells. They are having difficulty maintaining two households since they have been unable to sell the home in Syracuse.
- The home was built in 1997 and is on a .33 acre lot.
- The home appraised for \$240,000.

Exhibits: Map of area

Advisory Council Recommendation

Approval

X

Decline

Commission Action Requested:

Authorization to obligate Marda Dillree Corridor Preservation Revolving Loan Funds

Prepared by: Dian McGuire
Presented by: Lyle McMillan

Advisory Council Date: July 2, 2013





Marda Dillree Corridor Preservation Budget & Obligations

Previous Balance 4/9/13 **4,766,210**

Revenues Since Last Meeting (3 months): **1,135,199**

Property Purchases/Expenses Since Last Meeting (below): **-2,497,000**

US 89	Sheffield	Vacant Land	1/14/09	\$15,000.00
US-89	Hunt	Res & lot	3/22/13	\$260,000.00
US-89	Atwood	Vacant lot	3/22/13	\$74,000.00
WDC	Robins/Winegar	Vacant land	4/19/13	\$2,148,000.00

Fund Balance as of 6/30/13 **3,404,409**

Funds Obligated, But Not Yet Disbursed

Corridor	Owner	Type of Property	Commission Approval	Amount	Status
MVC	GLB Properties	Industrial	3/16/12	\$555,000.00	Pending
MVC	Clealon Mann	Vacant land	1/11/13	\$10,300.00	Liens
WDC	BAC Kaysville	Vacant land	4/19/13	\$256,500.00	Closing

Total Obligated, But Not Yet Disbursed: **821,800**

FUND BALANCE **2,582,609**

Applications Pending

Corridor	Owner	Type of Property	Date of Advisory Council	Amount
WDC	Colton	Residential	7/2/13	<u>\$240,000.00</u>

Estimated Total of Requests: **240,000**

Balance if all applications are approved: **2,342,609**